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| IPSOLON LLP 805 SW BROADWAY, #2740 PORTLAND, OR 97205 | | | NGUYEN, NAM V | |
| | | | ART UNIT | PAPER NUMBER |
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DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 

09/936,627

Applicant(s)

ANG ET AL.

Examiner

Nam V Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19,37,38 and 43-46 is/are allowed.
- 6) ☒ Claim(s) 1-18,20-36 and 39-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This communication is in response to applicant's response to an Amendment which is filed December 1, 2004.

An amendment to the claims 11-12, 19 and 37-38 has been entered and made of record in application of Ang et al. for an "educational tool, entertainment system or search tool" filed November 1, 2001.

The new set of claims 39-46 are introduced.

Claims 1-46 are pending.

Response to Arguments

In view of applicant's amendment to amend the abstract to overcome the proper content, therefore, examiner has withdrawn the objection.

In view of applicant's amendment to amend the claims 8, 11 and 12 to obviate the Claim objection, therefore, examiner has withdrawn the Claims objection.

The corrected or substitute drawing were received on December 1, 2004. These drawing are accepted. Applicant is advised to submit new formal drawings including changes required by the proposed drawing correction filed on December 1, 2004, which has been approved by the examiner.

Applicant's arguments to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts or overcome the rejection of said claims under 35 U.S.C § 103(a) as discussed below. Applicant's argument with respect to the pending claims 1-18 and 20-38, filed December 1, 2004, have been fully considered but they are not persuasive for at least the following reasons.

On page 15, first paragraph, Applicant's arguments with respect to the invention in Karr and Rose does not teach or suggest that a reader being operable to establish the order in which multiple identification means are detected is not persuasive. The claims in a pending application should be given their broadest reasonable interpretation. In re Pearson, 181 USPQ 641 (CCPA 1974).

As defined by claim 1, the speaking system of Rose discloses a doll may periodically initiate a signal, determine if a similar doll is within its broadcast range, and if this is detected, the dolls will engage in a routine of simulated conversation which is divided into succeeding sessions. In the case where two dolls are present, determination is made of who will be the speaker and who will be the responder for a first session. After such first session, another determination is made of who will be speaker and who will be responder for the next session in this routine. The third, fourth or more dolls which are present during a sequence will be listeners and provide occasional responses; however, the third, fourth or other dolls, upon beginning of the next session, may become the speakers and/or responders, and the previous speaker and

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responder may then become listeners (column 2 lines 32 to 51; see Figures 1 to 5). Furthermore, Rose discloses that the CPU's also receive as other inputs four position sensing inputs, a sound level input, and a push button switch input. As will hereinafter be described, the doll will have routines, depending on the various inputs. All direct communication between the units is by radio frequency (RF) transmission of binary coded data. However, the dolls will appear to be audibly speaking to each other. Data is transmitted as if it were a letter within a frame envelope. A frame envelope is a series of binary bytes transmitted in serial fashion as hereinafter explained. There will be stored in the ROM's of every unit a vocabulary in ordered routines and sessions. The term "routine" refers to predetermined orders of conversation between the interactive units. The term "session" is a subdivision of a routine. The unit which initiates a routine randomly picks a routine, identifies each routine which it randomly selects, and includes a routine memory. This routine memory prevents the same routine from being randomly chosen again until four other routines have been experienced (column 4 lines 9 to 29; see Figures 1-2). Clearly, Rose discloses a CPU being able to distinguish and to determine the order in which the dolls are speaking in a conversation. Rose establishes the order using a random protocol. Once the order is established, an "A" doll as a speaker, other dolls (such as "B" or "C" dolls as responders), the order to speak will follow according to a routine order that a system are detected in order to avoid confusion or collisions between the spoken words of the dolls in the case two or more dolls are detected. The claims do not differentiate from a random process to establish the order.

Furthermore, Karr discloses responders include an interrogation or base unit which sends a pulse and passive responders which reply with their unique frequency which is sensed by the base unit to place within toys. The base unit senses the frequency and triggers a response in the

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play pattern of the object such as speaking or turning on a motor. The base unit discriminates multiple responders based on their frequency or location (column 2 lines 49 to 65; column 3 lines 20 to 55; see Figures 1 to 4) in order to control and to create an interactive situation of multiple responders. Therefore, one of ordinary skilled in the art recognizes the need to establish a selection of who is speaker and who are responders to engage in a simulated conversation of a speech synthesizing system of Rose in an object recognition system for identifying toys of Karr because Karr suggests it is desired to provide a base unit determines that a doll is located next to a toy spider could emit a screaming sound to create an exciting and complex play pattern for dolls (column 2 lines 24 to 34) and Rose discloses that a radio frequency transceiver of Unit A will engage in a routine of simulated conversion with other plurality of radio frequency transceivers and will determine who will be the speaker and who will be responders depending on the various inputs in order to have an effective and interesting conversation. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to establish a selection of who is speaker and who are responders to engage in a simulated conversation of a speech synthesizing system of Rose in an object recognition system for identifying toys of Karr with the motivation for doing so would have been to control and to automated each individual function of a doll in order to simplified and increase intelligent and effective conversation of an object recognition system in interactive toys.

The examiner maintains that the references cited and applied in the last office actions for the rejection of the claims are maintained in this office action.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 11-15, 23, 26-27 and 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karr (US# 5,661,470) in view of Rose (US# 4,857,030).

Referring to claims 1 and 31, Karr discloses an educational tool, search tool or entertainment system and a method (i.e. an object recognition system in interactive toys) (column 1 lines 31 to 46; see Figure 1) comprising:

A plurality of identification means (21 and 24)(i.e. responders) each associated with a respective item (i.e. an object A; a doll) (column 2 lines 15 to 34; see Figure 1), the identification means (21) comprising programmable machine-readable identification information (i.e. an unique identification pulse) (column 2 lines 49 to 65),

A reader (60) (i.e. a base unit) for detecting and interrogating the identification means (i.e. a unique identification pulse) to identify the respective items (a doll) associated therewith (column 2 lines 36 to 65), and processing means (16) (i.e. a microprocessor) operable to react in a predetermined manner to the identification of the detected item (a doll) (column 3 lines 19 to 35; column 4 lines 16 to 26).

However, Karr did not explicitly disclose a reader being operable to establish the order in which the multiple identification means are detected.

In the same field of endeavor of an automated radio frequency transceiver system, Rose teaches that a reader (10) (i.e. a speech synthesizing system of Unit A) being operable to establish the order in which the multiple identification means (Unit B and Unit C) (i.e. responders) are detected (column 2 lines 32 to 55; column 4 lines 9 to 57; see Figures 1-2) in order to control and to determines routines of simulated conversation of who will be the speaker and who will be responders.

One of ordinary skilled in the art recognizes the need to establish a selection of who is speaker and who are responders to engage in a simulated conversation of a speech synthesizing system of Rose in an object recognition system for identifying toys of Karr because Karr suggests it is desired to provide a base unit determines that a doll is located next to a toy spider could emit a screaming sound to create an exciting and complex play pattern for dolls (column 2 lines 24 to 34) and Rose discloses that a radio frequency transceiver of Unit A will engage in a routine of simulated conversion with other plurality of radio frequency transceivers and will determine who will be the speaker and who will be responders depending on the various inputs in order to have an effective and interesting conversation. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to establish a selection of who is speaker and who are responders to engage in a simulated conversation of a speech synthesizing system of Rose in an object recognition system for identifying toys of Karr with the motivation for doing so would have been to control and to automated each individual

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function of a doll in order to simplified and increase intelligent and effective conversation of an object recognition system in interactive toys.

Referring to claims 2 and 32, Karr in view of Rose disclose a system according to Claims 1 and 31, Karr discloses wherein the processing means (16) includes software to cause the system to react in a predetermined manner to the order in which the multiple identification means are detected (column 3 lines 19 to 35; column 4 lines 16 to 26).

Referring to claims 3 and 33, Karr in view of Rose disclose a system according to Claims 1 and 31, Karr discloses wherein the reader (60) includes a counter (17) incrementable each time a particular identification means (21) is interrogated by the reader (60) to provide information concerning the number of times a particular identification means (21) has been interrogated by the reader (60) (column 4 lines 28 to 59; see Figure 1).

Referring to claims 4 and 34, Karr in view of Rose disclose a system according to Claims 3 and 33, Karr discloses wherein a response of the reader (60) is varied in dependency upon the number of times a particular identification means (21) has been interrogated by the reader (60) (column 4 line 28 to column 5 line 9).

Referring to claim 5, Karr in view of Rose disclose a system according to Claim 1, Karr discloses wherein the machine-readable identification information (i.e. unique identification

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pulse) is held on a radio frequency transponder (21) (i.e. responder) (column 2 lines 49 to 65; see Figure 1).

Referring to claim 6, Karr in view of Rose disclose a system according to Claim 5, Karr discloses wherein the radio frequency transponder (21) is an passive radio frequency transponder (column 1 lines 31 to 38; column 2 lines 49 to 65; see Figure 1).

Referring to claim 7, Karr in view of Rose disclose a system according to Claim 5, Karr discloses wherein the radio frequency transponder (21) is an active radio frequency transponder (column 5 lines 28 to 38; see Figures 5A-C).

Referring to claim 11, Karr in view of Rose disclose a system according to Claim 1, Rose discloses wherein the machine-readable identification information (i.e. unique identification codes) is held on an in an RF transceiver (column 4 lines 13 to 16; see Figure 1).

Referring to claim 12, Karr in view of Rose disclose a system according to Claim 1, Rose discloses wherein programming means are provided to programme the machine-readable identification information for the identification means (column 3 lines 28 to 32; column 5 lines 51 to 58).

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Referring to claim 13, Karr in view of Rose disclose a system according to Claim 1, Karr discloses wherein the reader (60) incorporates the processing means (16) (column 3 lines 19 to 25; see Figure 1).

Referring to claim 14, Karr in view of Rose disclose a system according to Claim 1, Karr discloses wherein the reader (60) incorporates a data storage unit (RAM) (column 4 lines 16 to 27; see Figure 1).

Referring to claim 15, Karr in view of Rose disclose a system according to Claim 1, Karr discloses wherein the processing means (16) includes software to cause the system (60) to react in a different manner to the identification of respective items (21) (column 3 lines 19 to 35; column 4 lines 16 to 46).

Referring to claim 23, Karr in view of Rose disclose a system according to Claim 1, Karr discloses a reader (60) is a toy (i.e. a toy product) (column 2 lines 36 to 48).

Referring to claim 26, Karr in view of Rose disclose a system according to Claim 1, Karr discloses wherein the reader (60) includes a response activation unit which is operable upon detection of an item (21) (column 2 lines 36 to 48).

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Referring to claim 27, Karr in view of Rose disclose a system according to Claim 1, Karr discloses wherein the reader (60) is operable to activate a response activation unit associated with the reader (60) upon detection of an item (21) (column 2 lines 36 to 48).

Referring to claim 29, Karr in view of Rose disclose a system according to Claim 12, Karr discloses wherein the reader (60) includes the programming means (column 3 lines 19 to 55; column 9 lines 20 to 38).

Referring to claim 30, Karr in view of Rose disclose a system according to Claim 1, Rose discloses wherein the item is a person (i.e. a child) (column 2 lines 3 to 7).

Referring to claim 35, Karr in view of Rose disclose a system according to Claim 31, Karr discloses wherein the step of providing information comprises providing a signal operable to control a mechanism (19) (i.e. a motor) (column 2 lines 36 to 48; see Figure 1).

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karr (US# 5,661,470) in view of Rose (US# 4,857,030) as applied to claim 1 above, and in further view of Kuna et al. (US# 4,729,564).

Referring to claim 8, Karr in view of Rose disclose a system of claim 1, however, Karr in view of Rose did not explicitly disclose wherein the machine-readable identification information is held on an optically (including infrared and ultraviolet) interrogatable medium.

In the same field of endeavor of a responsive electronic game, Kuna et al. teach wherein the machine-readable identification information (40) (i.e. a bar code on a card) is held on an optically (including infrared and ultraviolet) interrogatable medium (column 2 lines 3 to 23; see Figure 3) in order to transmit unique pulse to a microprocessor.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize using a reflected light optical sensor reader to read the bar code of Kuna et al. in the responders reply with a unique frequency which is sensed by base unit of Karr in view of Rose because using an optical sensor for reading bar code on cards improve reliable and accurate that has been shown to be desirable in an object recognition system in interactive toys of Karr in view of Rose.

Referring to claim 9, Karr in view of Rose disclose a system according to Claim 1, Kuna et al. disclose wherein the machine-readable identification information (40) is held on a wired or contact transmitter (column 2 lines 57 to 68).

Claims 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karr (US# 5,661,470) in view of Rose (US# 4,857,030) and in view of Kuna et al. (US# 4,729,564) as applied to claim 8 above, and in further view of Ting (US# 6,110,000).

Referring to claims 39-40, Karr in view of Rose and Kuna et al. disclose a system of claim 8, however, Karr in view of Rose and Kuna et al. did not explicitly disclose wherein the optically interrogatable medium is an infrared medium.

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In the same field of endeavor of a responsive electronic game, Ting teaches wherein the optically interrogatable medium is an infrared medium (column 3 lines 12 to 43; see figure 2) in order to play signal generated by the transmission unit.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize using an infrared signal of Ting in the responders reply with a unique frequency which is sensed by base unit of Karr in view of Rose and Kuna et al. because using an infrared signal in an optical sensor for reading bar code on cards improve reliable and accurate that has been shown to be desirable in an object recognition system in interactive toys of Karr in view of Rose and Kuna et al.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karr (US# 5,661,470) in view of Rose (US# 4,857,030) as applied to claim 1 above, and in further view of Xia (US# 5,489,827).

Referring to claim 10, Karr in view of Rose disclose a system of Claim 1, however, Karr in view of Rose did not explicitly disclose wherein the machine-readable identification information is held in a sonic or ultrasonic transmitter.

In the same field of endeavor of a remote control system, Xia teaches that the machine-readable identification information (i.e. an identification code) is held in a sonic or ultrasonic transmitter (40) (i.e. an ultrasonic transmitter of a remote dimming controller 40) (column 5 lines 35 to 56; see Figure 1) in order to transmit occupancy signal which is encoded with digital information to control a device.

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At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to use a ultrasonic transmitter of a remote dimming controller of Xia in an object recognition system of Karr in view of Rose because using a ultrasonic transmitter would improve reliable and accurate that has been shown to be desirable in an object recognition system in interactive toys of Karr in view of Rose.

Claims 16-17, 20, 22, 24-25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karr (US# 5,661,470) in view of Rose (US# 4,857,030) as applied to claim 1 above, and in further view of Raj (WO 87/02165).

Referring to claim 16, Karr in view of Rose disclose a system of Claim 1, however, Karr in view of Rose did not explicitly disclose wherein the reader incorporates a user interface.

In the same field of endeavor of a remote identification system, Raj teaches that a reader (3) (i.e. an interrogator-coder) incorporates a user interface (8) (i.e. an alphanumeric keyboard) (page 16 lines 6 to 17; page 17 lines 4 to 23; see Figure 4A) in order to identify and to locate any material regarding the contents of the tank car.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to have an interrogator-coder includes an alphanumeric keyboard to allow coding of the transponder at the loading station of Raj in an object recognition system of Karr in view of Rose because using an alphanumeric keyboard to allow coding of the transponder would improve reading the exact responder that has been shown to be desirable in an object recognition in interactive toys of Karr in view of Rose.

Referring to claim 17, Karr in view of Rose and in further view of Raj disclose a system of Claim 16, Raj discloses a user interface (10) (i.e. a display screen) includes a video display operable to display information based on the identity of a detected item (4) (i.e. a code transponder unit) (page 16 lines 6 to 17; page 18 lines 27 to 29; see Figures 1 and 4A).

Referring to claim 20, Karr in view of Rose and in further view of Raj disclose a system of Claim 16, Raj discloses wherein the user interface includes a data input device (8) (i.e. a keyboard) (page 16 lines 6 to 17; see Figure 4A).

Referring to claim 22, Karr in view of Rose disclose a system of Claim 1, and Raj discloses wherein the reader (3) is a portable reader (page 16 lines 18 to 30; see Figures 1-2).

Referring to claim 24, Karr in view of Rose disclose a system of Claim 1, and Raj discloses wherein the or each identification means (i.e. code) is provided in the form of a label attachable to an item (2) (i.e. a fill pipe) (page 16 lines 6 to 17; page 18 lines 8 to 29; see Figures 1 and 4b).

Referring to claim 25, Karr in view of Rose disclose a system of Claim 1, and Raj discloses wherein the or each identification means is locatable in an item (page 16 lines 6 to 17; page 18 lines 8 to 29; see Figures 1 and 4b).

Referring to claims 28, Karr in view of Rose disclose a system according to Claim 1, Karr discloses the reader (60) is operable to count the number of items which are detectable by the reader (60) and provide the count information to a user interface associated with the reader (60) (column 4 lines 27 to 59).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karr (US# 5,661,470) in view of Rose (US# 4,857,030) and Raj (WO 87/02165) as applied to claim 16 above, and in further view of Kuna et al. (US# 4,729,564).

Referring to claim 18, Karr in view of Rose and Raj disclose a system of Claim 16, however, Karr in view of Rose and Raj did not explicitly disclose wherein the user interface includes an audio processing unit operable to announce information based on the identity of a detected item.

In the same field of endeavor of a responsive electronic system, Kuna et al. teach that the user interface (12) (i.e. a game housing) includes an audio processing unit (56) (i.e. a voice chip) operable to announce information based on the identity of a detected item (36) (column 1 line 39 to column 2 lines 22) in order to announce the vocabulary of each card.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to add a voice chip with a speaker to announce a word description of Kuna et al. in an object recognition system of Karr in view of Rose and Raj because using a voice chip with a speaker to announce a word description would improve the security that has been shown to be desirable in an object recognition system of Karr in view of Rose and Raj.

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Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karr (US# 5,661,470) in view of Rose (US# 4,857,030) as applied to claim 1 above, and in further view of Park (US# 5,733,131).

Referring to claim 21, Karr in view of Rose disclose a system according to Claim 1, however, Karr in view of Rose did not explicitly disclose wherein a personal computer is associated with the reader to provide the processing means and data storage in addition to or instead of the reader.

In the same field of endeavor of a remote controlling an entertainment device, Park teaches that a personal computer (28 and 24) is associated with the reader (20) (i.e. a radio signal broadcasting facility) to provide the processing means and data storage in addition to or instead of the reader (20) (column 5 lines 21 to 46; see Figure 1) in order to send a control message to a toy bear doll.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to use a personal computer with a modem to interact with a paging system to send a control message to a toy bear doll of Park in an object recognition system of Karr in view of Rose because using a personal computer to interact with a doll would help improve convenient of play with a toy bear doll that has been shown to be desirable in an object recognition system in interactive toys of Karr in view of Rose.

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Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karr (US# 5,661,470) in view of Rose (US# 4,857,030) as applied to claim 31 above, and in further view of O'Hagan et al. (US# 5,821,512).

Referring to claim 36, Karr in view of Rose disclose a system of Claim 31, however, Karr in view of Rose did not explicitly disclose the method comprising the further step of programming the reader to search for a specific item.

In the same field of endeavor of a remote controlling a device, O'Hagan et al. teach that the step of programming the reader (22) to search for a specific item (50) (column 12 lines 16 to 34; see Figures 1, 13-14) in order to print the select recipe over a desired item.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to program the reader to search for a desired a data form of an item of O'Hagan et al. in an object recognition system of Karr in view of Rose because programming the reader to search for a desired item would help to identify items to display recipe on screen quickly that has been shown to be desirable in an object recognition system in interactive of Karr in view of Rose.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karr (US# 5,661,470) in view of Rose (US# 4,857,030) as applied to claim 11 above, and in further view of Pantus (US# 4,625,199).

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Referring to claim 41, Karr in view of Rose disclose a system of claim 11, however, Karr in view of Rose did not explicitly disclose wherein the RF transceiver is a microwave transceiver.

In the same field of endeavor of a responsive detection system, Pantus teaches a microwave transceiver (column 4 lines 12 to 33; see Figure 1) in order to transmit and receive microwave energy to protect volume.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize using a microwave transceiver in a subsystems of Pantus in the responders reply with a unique frequency which is sensed by base unit of Karr in view of Rose because using a microwave transceiver in an optical sensor for reading bar code on cards improve reliable and accurate that has been shown to be desirable in an object recognition system in interactive toys of Karr in view of Rose.

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karr (US# 5,661,470) in view of Rose (US# 4,857,030) as applied to claim 11 above, and in further view of Amoroso, Jr. (US# 4,411,018).

Referring to claim 42, Karr in view of Rose disclose a system of claim 11, however, Karr in view of Rose did not explicitly disclose wherein the RF transceiver is a millimetrewave transceiver.

In the same field of endeavor of a responsive detection system, Amoroso, Jr. teaches a millimetrewave transceiver (i.e. a millimeter transceiver) (column 2 lines 10 to 21; see Figure 1) in order to eliminate frequency drift.

At the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize using a millimeter transceiver of Amoroso, Jr. in the responders reply with a unique frequency which is sensed by base unit of Karr in view of Rose because using a millimeter transceiver in an optical sensor for reading bar code on cards improve reliable and accurate that has been shown to be desirable in an object recognition system in interactive toys of Karr in view of Rose.

Allowable Subject Matter

Claims 19, 37-38 and 43-46 are allowed as evident by applicant's amendment and arguments.

Referring to claims 37-38, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations processing means operable to react in a predetermined manner to the identification of the detected item, the processing means being operable to vary the response in dependency upon the number of times a particular identification means has been interrogated.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nam Nguyen
March 19, 2005



BRIAN ZIMMERMAN
PRIMARY EXAMINER